

Remarks

I. Introduction

This amendment is in response to the Final Office Action dated November 30, 2007 with reference to the Notice of Panel Decision from Pre-Appeal Brief Review dated May 2, 2008 and is being submitted simultaneously with a Request for Continued Examination pursuant to 37 C.F.R. § 1.114. This amendment and Request for Continued Examination is filed after appeal, but prior to a decision on the appeal, and should be treated as a request to withdraw the appeal and reopen prosecution of the application before the examiner under 37 C.F.R. § 1.114(d).

The Final Office Action rejected claims 1, 2, 5, 7-8, 11, 13, 19, 22, 25, 29-30, 38, and 40-41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,993,459 (Carrick). The Office Action rejected claims 6 and 26 as being unpatentable over Carrick in view of U.S. Patent No. 6,891, 866 (Robinson).

Claims 3-4, 9-10, 12, 20-21, 23-24, 27, 31-32, and 39 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 2, 22, 38, and 40-41 have been canceled. Claims 3, 5, 12, 13, 19, 23-25, 31, 32 and 39 have been amended. Claims 33-37 were previously canceled. Claims 14-18 were previously withdrawn. Claims 3-13, 19-21, 23-32, and 39 are currently pending.

II. Claim Rejections

In response to the indication that claims 3-4, 9-10, 12, 20-21, 23-24, 27, 31-32, and 39 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, Applicants have amended claims 3, 5, 12, 13, 19, 23-25, 31, 32 and 39. Claim 3 (now independent) as amended incorporates all of the limitations of claims 1 and 2, from which it formerly depended. Dependent claims 5, 12, 13, and 19 have been amended to properly depend from amended independent claim 3. Similarly, claim 23 has been amended to incorporate all of the limitations of rejected claim 22. Claims 24, 25, 31, and 32 have been amended to properly depend

from independent claim 23. Claim 39 has been amended to incorporate all of the limitations of claim 38.

Amended independent claims 3, 23, and 39 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. No new matter has been added by these amendments. In view of these amendments, Applicants respectfully request the withdrawal of the rejections.

Dependent claims 4-13, 19-21, and 24-32 each depend from an allowable independent claim and are allowable for at least the same reasons. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejections of claims 5, 7-8, 11, 13, 19, 22, 25, 29-30 and the objections to claims 4, 9-10, 12, 20-21, 23-24, 27, 31-32.

III. Rejoinder

Applicants respectfully request that the Restriction Requirement of December 22, 2005 be withdrawn and previously withdrawn claims 14-18 be rejoined and allowed. Dependent species claims 14-18 ultimately depend from allowable generic independent claim 3 and therefore incorporate all of the limitations of generic claim 3. Accordingly, claims 14-18 are eligible for rejoinder.

See MPEP § 808.01(a): "In all applications where a generic claim is found allowable, the application should be treated as indicated in MPEP § 809 and § 821.04(a)." See also MPEP § 821.04(a): "The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits."

All pending elected claims (claims 3-13, 19-21, 23-32, and 39) are in condition for allowance as discussed in the Claim Rejections section. Accordingly, Applicants respectfully request the prior Restriction Requirement be withdrawn and claims 14-18 be rejoined into the present application and allowed. As each of these claims depends

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from allowable independent claim 3, the claims are allowable for at least the same reasons.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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